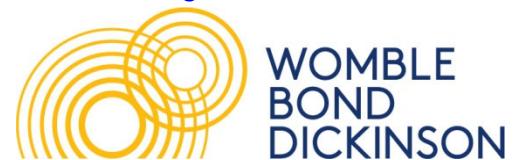


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April 1, 2021

Via CM/ECF

United States District Judge Jeffrey V. Brown
United States District Court for the Southern District of Texas
601 Rosenberg Avenue, Room 613
Galveston, Texas 77550

Re: ***G&H Diversified Manufacturing, LP, et al. v. DynaEnergetics Europe GmbH, et al., Civil Action No. 3:20-cv-00376***

Womble Bond Dickinson (US) LLP

100 Light Street
26th Floor
Baltimore, MD 21202

t: 410.545.5800
f: 410.545.5801

Barry J. Herman
Partner
Direct Dial: 410-545-5830
Direct Fax: 443-769-15301
E-mail: Barry.Herman@wbd-us.com

Honorable Judge Brown,

In yet another attempt to get the last word, on March 30, 2021, counsel for Plaintiffs filed a responsive letter (Dkt. 40) to Defendants' March 29, 2021 letter (Dkt. 39), which simply noted that Plaintiffs had failed to seek leave to file a surreply (Dkt. 38) to Defendants' Motion to Dismiss or Transfer to the Western District of Texas (Dkt. 16). Rather than accept responsibility for its failure to seek leave to file a surreply, Plaintiffs yet again insist on having the final say and improperly argue the merits of the fully-briefed motion.

Plaintiffs continue to muddy the waters and argue that somehow the addition of Defendant Yellow Jacket Oil Tools "fundamentally changed" the case. It did not. Yellow Jacket was properly sued and venue is proper in the Western District of Texas in the first-filed action, as thoroughly explained in Defendants' Reply. Dkt. 35 at 2-3. No new evidence, arguments, or circumstances arose in Defendants' Reply that would warrant a surreply.

Plaintiffs admit there is no local rule permitting the filing of a surreply, and Plaintiffs do not distinguish the law cited by Defendants showing that courts in this district disfavor surreplies, and that surreplies are only permissible where leave is granted for good cause shown. Plaintiffs admit they did not seek leave. The shoot-first, ask-questions-later approach should not be countenanced.

The bottom line is that Defendants' Motion is a simple, straightforward motion – this patent litigation dispute was first filed and raised in the Western District of Texas. The Court need not get bogged down in the morass Plaintiffs have created surrounding venue, Rule 15, Section 1404, and other tangential issues. Plaintiffs' attempts to twist civil procedure rules beyond their breaking point to escape the Western District of Texas are transparent, but should not themselves generate a justification for filing an unauthorized surreply.

Honorable Jeffrey V. Brown
April 1, 2021
Page 2



Again, should the Court believe a response to G&H's surreply would be helpful, DynaEnergetics is happy to provide one at the Court's request. Alternatively, DynaEnergetics would welcome a hearing on its Motion to Dismiss or Transfer (Dkt. 16).

Best regards,



Barry J. Herman

Attorney-in-Charge for Defendants /
Counterclaim-Plaintiffs